

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Wednesday, May 20, 2015
9:30 A.M.
Sacramento, California
&
West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: May 8, 2015

RE: Closed Session of the Board to be held on May 20, 2015

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. JESUS OLIVIA CCASA, 13-R4D4-2561
2. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133
3. SAM'S GARDENING, 13-R4D4-2769
4. UNITED PARCEL SERVICE, 14-R1D2-1779

PETITIONS FOR RECONSIDERATION:

1. HERMAN WEISSKER, INC., 13-R3D1-3279
2. PDM STEEL SERVICE CENTERS, INC., 13-R1D3-2446-2448

3. ROBERT ONWELLER DBA PACIFIC HAULING AND DEMOLITION,
14-R1D4-1087-1088

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

ORDERS DISMISSING APPEAL:

MATTERS INVOLVING LATE APPEALS:

(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)

ORDERS DENYING LATE APPEAL:

1. GOLDEN STATE WARRIORS, 15-R1D4-9060
2. HOME & BODY COMPANY, 15-R3D1-9085
3. NATIONWIDE LEGAL, LLC AND ITS SUCCESSORS, 15-R2D1-9086

AMENDED ORDERS:

1. ABC NURSERY INC., 15-R6D2-0914 THROUGH 0917
2. STRATEGIC OUTSOURCING INC., 14-R4D1-2164

MATTERS HELD OVER FROM PREVIOUS MEETINGS:

(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)

MATTERS PENDING RECONSIDERATION:

(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)

1. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895
(DOSH)
3. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (ER)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For MAY 20, 2015
Page 3

4. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1218 THROUGH 1221 (DOSH)
5. RANDALL JOHN BILLINGTON, 2014-R3D3-9170
6. CHEVRON U.S.A. INC., 13-R6D3-0655 THROUGH 0662
7. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
8. ECHO ALPHA INC. ET AL, 14-R3D1-0802 THROUGH 0804
9. INTERNATIONAL PAPER COMPANY, 14-R2D5-1189 THROUGH 1191
10. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
11. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
12. McCARTHY BUILDING CO., INC., 12-R1D4-3458
13. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
14. GONZALO OLASCOAGA DBA GONZALO OLASCOAGA, 13-R6D5-2097 AND 2098
15. ORANGE COUNTY SANITATION DISTRICT, 2013-R3D1-0287
16. SIERRA FOREST PRODUCTS, 09-R2D5-3979
17. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095

LEGISLATION:

PENDING LITIGATION:

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For MAY 20, 2015
Page 4

3. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
4. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
5. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
6. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
7. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
8. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
9. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
10. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
11. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
12. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
13. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
14. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
15. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
16. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
17. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
18. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
19. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
20. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
21. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
22. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For MAY 20, 2015
Page 5

23. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
24. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3rd Party)
25. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
26. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
27. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
28. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
29. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)
30. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
31. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
32. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
33. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
34. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL (14-R3D2-1935 & 1936)
35. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2492 THROUGH 497)

APPELLATE COURT:

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953, 34-2011-80000965, (10-R6D2-188 THROUGH 191)

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. ADVANCE TUBE ENGINEERING CORPORATION, 14-R6D2-3910 THROUGH 3918
2. ARROTIN PLASTIC MATERIALS INC. , 15-R3D3-0755 THROUGH 0758
3. CA MENTAL HEALTH ATASCADERO STATE HOSPITAL, 14-R4D7-4096 THROUGH 4100
4. CHEVRON U.S.A INC., 15-R6D3-0325 THROUGH 0328
5. C & F MASONRY, INC., 15-R4D7-0086
6. CHURCH OF SCIENTOLOGY INTERNATIONAL, 14-R4D1-2395 THROUGH 2397
7. C & L FURNITURE, 14-R3D5-3088 THROUGH 3096
8. CLUBCORP SHADOW RIDGE CLUB INC., 14-R3D2-1357
9. CONSOLIDATED FOUNDRIES, INC., DBA CONSOLIDATED PRECISION PRODUCTS – CUDAHY, 15-R6D2-0341 THROUGH 0350
10. COUNTY OF L.A. HARBOR UCLA MEDICAL PSYCHIATRIC UNIT, 14-R3D5-1697 THROUGH 1699
11. CULVER CITY PUBLIC WORKS DEPT. 14-R4D1-3811 AND 3812
12. DA SERVICES HAULING & DUMPTERS, 12-R2D2-0741 THROUGH 0743
13. DIGITAL PATH, INC., 15-R2D3-0299
14. DRILL TECH DRILLING & SHORING INC., 14-R5D1-0095 AND 0096
15. DOWNING CONSTRUCTION INC., 15-R3D3-0832 AND 0833
16. EMPIRE BUILDING & REMODELING, INC., 15-R4D4-0192
17. FMD INC., 15-R6D1-0793 AND 0794

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For MAY 20, 2015
Page 7

18. FOSTER FEED YARD, 14-R3D2-3367 AND 3368
19. FRAMECOM, INC., 15-R6D1-1003
20. GOLDEN STATE FC LLC DBA AMAZON.COM, 14-R2D4-3265
21. GREEN DIAMOND RESOURCE COMPANY, 15-R2D3-0995
22. GREENPATH RECOVERY WEST INC., 15-R3D3-0494 THROUGH 0496
23. HOT LINE CONSTRUCTION, INC., 15-R4D7-0278
24. HUNTER WOODWORKS, INC., 14-R3D5-1025 AND 1026
25. INTERNATIONAL DAILY NEWS INC., 14-R4D1-3720 THROUGH 3722
26. INTERNATIONAL PITA BREAD, INC., 14-R4D1-2028 THROUGH 2031
27. JOE BARTH CONSTRUCTION, INC., 15-R3D1-0271 AND 0272
28. J.H. FITZMAURICE, INC., 15-R1D4-0715
29. KENT A LANG FARMING, 15-R2D1-1018 AND 1019
30. DEMATIC CORP., 14-R2D4-3325
31. CARL KRUPPA DBA KRUPPA FARMS, 14-R2D4-3374
32. KRAFT FOODS GROUP, INC., 15-R2D5-0709 AND 0710
33. RAMON LINAN, 15-R3D5-0302 AND 0303
34. L & J FARMS, LLC, 15-R2D5-0528 THROUGH 0531
35. MAXIM CRANE WORKS, LP, 14-R2D4-3308
36. MATRIX SERVICE INC., 14-R3D5-2872
37. NORMAN S. WRIGHT MECHANICAL EQUIPMENT, 15-R1D4-0482 AND 0483
38. OAK LAND FURNITURE INC., 15-R6D2-0921 AND 0922
39. OLD WORLD CLASSIC INC. AND PROVENZA FLOORS INC., DBA
HARDWOOD FLOOR & TILE GALLERIA, 15-R6D2-0406 THROUGH 0409
40. PACIFIC GAS & ELECTRIC COMPANY, 14-R2D1-3841

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For MAY 20, 2015
Page 8

41. PAR ENGINEERING DBA COMMERCIAL COOLING, 14-R6D2-3318 THROUGH 3321
42. PDI INC., 14-R6D2-4161 THROUGH 4163
43. PENHALL COMPANY, 14-R4D3-2961
44. PENNYSaver USA PRINTING LLC, 14-R3D3-1786 AND 1787
45. PETER PEPPER PRODUCTS, 15-R3D5-0053 AND 0054
46. PRO-A MOTORS, INC., 14-R4D1-2979 THROUGH 2982
47. PROGRESS RAIL SERVICES CORP., 14-R3D5-3147 AND 3148
48. RAFAEL ORSI DRYWALL, 14-R4D4-3003
49. RANDSTAD HORIZONS DBA PLACEMENT PROS, 13-R2D5-1176 AND 1177
50. RANGERS DIE CASTING COMPANY, 14-R6D2-4075 THROUGH 4077
51. RED ROCK ASSOCIATES, INC., 14-R1D2-2613
52. REVOLVE SOLAR CA, INC., DBA REVOLVE SOLAR, 15-R2D3-0131 AND 0132
53. SACRAMENTO REBAR, INC., 14-R2D4-3341
54. DAVID P. SHEETS DBA SHEETS ENTERPRISES, 15-R6D1-0470 THROUGH 0475
55. SISCO ENTERPRISES, INC. DBA ROUND TABLE PIZZA, 15-R2D3-1020
56. JOSEPH L. SMITH, 14-R3D5-2919 AND 2920
57. SOUTHERN CALIFORNIA MOUNTAINS FOUNDATION, 15-R3D3-0392
58. STEVEN DOVALI CONSTRUCTION, INC., 14-R2D4-3263
59. SUPERSTORE INDUSTRIES DBA SUNNYWISE FARMS, 15-R1D5-0265
60. SURE SHINE MAINTENANCE, 14-R4D4-2179 THROUGH 2181
61. TARGET CORPORATION, 14-R2D1-3902 AND 3903
62. TC STEEL, 14-R1D1-3339

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For MAY 20, 2015
Page 9

- 63. TEAMWORK HUMAN RESOURCES INC., 15-R2D3-0159 AND 0160
- 64. THAO TUAN NGUYEN, 15-R6D7-0925
- 65. THE LAKES COUNTRY CLUB ASSOCIATION INC., 15-R3D3-0460
THROUGH 0462
- 66. TK PACIFC, INC. DBA G H SLACK & SON, 14-R4D7-3178 AND 3179
- 67. T & M SOLAR INC., 13-R3D2-3707
- 68. TROON GOLF LLC, 15-R3D3-0910 THROUGH 0912
- 69. TRUPRO INC. DBA DILS ROOFING, 13-R3D2-3857 AND 3858
- 70. TSE-PEO INC/KALIFORNIA BUSINESS STAFFING INC., 14-R2D4-3322
THROUGH 3324
- 71. TURNER NURSERY, 14-R2D5-3540 AND 3541
- 72. ULTIMATE INSTALLZ, 14-R1D2-2990 THROUGH 2991
- 73. VENTURA RANCH RESORT LLC, 14-R4D3-3439 THROUGH 3440
- 74. VIMHR, 15-R2D3-0006
- 75. WASTE MANAGEMENT OF ALAMEDA COUNTY, INC., 13-R1D4-0041
THROUGH 0043
- 76. WILLOWS RICE DRIER & STORAGE, 15-R2D3-0854 THROUGH 0856
- 77. YOSEMITE VALLEY BEEF PACKING CO., INC. 14-R2D4-3365 AND 3366

PERSONNEL:

(Issues regarding staff.)

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.